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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEOPLE.AI, INC.,

Plaintiff,

vs.

SETSAIL TECHNOLOGIES INC.,

Defendant.

Case No. 3:20-cv-9148

COMPLAINT AND JURY DEMAND

1 1. Plaintiff People.ai, Inc. (“People.ai”) is a Delaware corporation having
2 offices at 475 Brannan Street, Suite 320, San Francisco, California 94107.

3 2. On information and belief, Defendant SetSail Technologies, Inc. (“SetSail”)
4 is an entity organized under the laws of California and having a principal place of
5 business at 400 Concar Drive, San Mateo, California 94402. Upon information and
6 belief, SetSail has made, sold, offered for sale and used, and continues to make, sell, offer
7 for sale, and use the infringing products as described herein.

8 3. This action arises under the patent laws of the United States, Title 35 of the
9 United States Code. This Court has jurisdiction over the subject matter of this action
10 pursuant to 28 U.S.C. §§1331 and 1338(a).

11 4. This Court has personal jurisdiction over SetSail in that, at all times
12 pertinent hereto, upon information and belief, SetSail is a corporation organized and
13 existing under the laws of the State of California, with a principal place of business
14 located in this District. SetSail is also committing infringing acts in this District. Upon
15 information and belief, SetSail also induces direct infringement in this District.

16 5. Venue is proper under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because
17 SetSail resides in this Judicial District. SetSail also has substantial additional activities in
18 this Judicial District as alleged herein.

19 6. As alleged herein, SetSail – individually and/or jointly with others – has
20 infringed (literally and/or by equivalents), and continues to infringe, People.ai’s patent
21 rights by making, using, importing, selling, and/or offering to sell products covered by
22 one or more patent claims – or by performing any method claimed therein – within the
23 United States, and/or by contributing to or inducing such infringement.

24 7. People.ai is the owner of all rights, title and interest – including the right to
25 bring a suit for patent infringement – in United States Patent Nos. 10,679,001, titled
26 “Systems and Methods for Auto Discovery of Filters and Processing Electronic Activities
27 Using the Same” (“the ’001 patent”) (copy attached as Exhibit A, hereto), 10,565,229,
28 titled “Systems and Methods for Matching Electronic Activities Directly to Record

Objects of Systems of Record” (“the ’229 patent”) (copy attached as Exhibit B, hereto), 10,496,634, titled “Systems and Methods for Determining a Completion Score of a Record Object from Electronic Activities” (“the ’634 patent”) (copy attached as Exhibit C, hereto), and 10,657,129, titled “Systems and Methods for Matching Electronic Activities to Record Objects of Systems of Record with Node Profiles” (“the ’129 patent”) (copy attached as Exhibit D, hereto), and (collectively, the “Patents-in-Suit”).

8. People.ai is an industry leader and top supplier of revenue operations and intelligence systems to businesses. People.ai’s product offerings enable businesses to improve their business activity data collection and analysis. The Patents-in-Suit generally relate to methods and systems for improving the functionality of a customer relationship management (“CRM”) software program or systems that maintain, update or analyze CRMs, by capturing, maintaining, and interpreting customer interaction data and other information, as well as to improved methods and systems for forecasting business performance by accurately creating quarterly forecasts, identifying at-risk deals needing remedial action, and predicting revenue generating events. Due to its numerous innovations in business activity data analysis and related areas, People.ai has been awarded more than forty patents from the United States Patent and Trademark Office since it was founded in 2016.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 10,679,001

9. People.ai repeats and realleges the foregoing paragraphs.

10. Defendant SetSail has directly and/or indirectly infringed one or more claims of the ’001 patent, in violation of one or more subsections of 35 U.S.C. §271 – including at least one or more of subsections §271(a), (b), (c), (f) and (g) – by making, using, importing, selling, and/or offering to sell products covered by one or more claims of the ’001 patent within the United States, and/or by contributing to or inducing such infringement.

11. SetSail has known of the Patents-in-Suit and its infringement of the ’001

1 patent at least as early as October 12, 2020 when it received correspondence from
2 People.ai concerning its infringement. SetSail received further correspondence from
3 People.ai concerning its infringement of the '001 patent on or about November 4, 2020,
4 and November 18, 2020.

5 12. SetSail's direct infringements – and/or the direct infringements of others, for
6 which SetSail would be liable as an indirect infringer – satisfy all the limitations of one or
7 more claims of the '001 patent, either literally or by equivalents. A preliminary,
8 exemplary claim chart comparing the SetSail Collect module to exemplary claim 8 of the
9 '001 patent is attached as Exhibit E.

10 13. Defendant SetSail is liable as a direct infringer because it has made, used,
11 sold, offered to sell, or imported into the U.S., products or services that are within the
12 scope of one or more claims of the '001 patent and/or Defendant SetSail has made, used,
13 sold, offered to sell, or imported into the U.S. products, made by methods claimed in the
14 '001 patent, including at least the SetSail Collect module.

15 14. Defendant SetSail is liable as an indirect infringer for the direct infringement
16 of others that have made, used, sold or offered to sell, or imported into the U.S., products
17 or services that are within the scope of one or more claims of the '001 patent and/or that
18 have made, used, sold, offered to sell, or imported into the U.S., products made by
19 methods claimed in the '001 patent.

20 15. On information and belief, defendant SetSail has actively induced
21 infringement of the '001 patent, at least by intentionally encouraging the direct
22 infringement of one or more claims of the '001 patent by customers and their employees,
23 partners, and/or others. On information and belief, prior to this action, SetSail had
24 knowledge of and intended to cause direct infringement by others and/or SetSail willfully
25 blinded itself to the existence of the '001 patent and such infringement. SetSail provides
26 instructions, user manuals, advertising, and/or marketing materials which facilitate,
27 direct, or encourage such infringing use with knowledge thereof.

28 16. On information and belief, defendant SetSail is also a contributory infringer

1 of one or more claims of the '001 patent, at least because it sells, offers to sell, or imports
2 into the U.S. a product for use in practicing subject matter claimed in the '001 patent,
3 constituting a material part of the invention, knowing the same to be especially made or
4 especially adapted for use in such infringement, and not a staple article or commodity of
5 commerce suitable for substantial non-infringing use.

6 17. The SetSail Collect module includes the specific functionality of SetSail's
7 product offerings that is used to perform the limitations of each asserted claim of the '001
8 patent. The SetSail Collect module performs the limitations of each asserted claim
9 through its default functionality as provided by SetSail and the SetSail Collect module
10 has no substantial non-infringing use. On information and belief, prior to this action
11 SetSail had knowledge of the '001 patent and intended to cause direct infringement by
12 others, and/or SetSail willfully blinded itself to the existence of the '001 patent and such
13 infringement.

14 18. For example, SetSail's customers that use the SetSail Collect module
15 identified above infringe at least independent claim 8 of the '001 patent, as set forth in
16 Exhibit E.

17 19. The non-provisional patent application that led to the '001 patent was filed
18 with the U.S. Patent and Trademark Office on May 21, 2019, and the patent issued on
19 June 9, 2020. The U.S. Patent Office carefully examined the claims that ultimately
20 issued in the '001 patent. Consistent with 35 U.S.C. § 282 and the limitations of the
21 claims of the '001 patent, a person having ordinary skill in the art would understand that
22 each claim of the '001 patent (independent or dependent) relates to a separate invention
23 distinct from other claims.

24 20. The U.S. Patent Office considered the claims of the '001 patent against the
25 background of prior technology to determine if the claims of the '001 patent identified a
26 patentable advance over prior art systems before issuing the patent. The face of the '001
27 patent identifies numerous items of prior art from the classifications and many other
28 items of prior art considered in allowing the various claims of the '001 patent.

1 21. The claims of the '001 patent, when viewed as a whole, represent specific
2 improvements over the prior art and prior existing methods, systems, apparatuses and
3 articles of manufacture, and were not well known, routine, or conventional at the time of
4 the invention.

5 22. The inventions claimed in the '001 patent are thus not generically directed to
6 collecting, analyzing and manipulating data, but rather the claims would be understood
7 by a person of ordinary skill in the art to recite concrete advancements in the technology
8 pertaining to a specific method, apparatus and system. The invention thus also cannot be
9 performed by the human mind.

10 23. That the above features, when viewed as a whole, were specific
11 improvements over the prior art and prior existing methods, systems, apparatuses and
12 articles of manufacture, and were not well known, routine, or conventional at the time of
13 the invention, is demonstrated, for example, by praise People.ai received for its
14 inventions. For example, People.ai has been described as “employ[ing] the industry’s
15 most sophisticated matching algorithms to ensure that information from sales and
16 marketing activities end up with the right accounts and opportunities in the CRM,” and
17 for “leverag[ing] AI to detect competitor mentions, analyze sentiment, and enrich contact
18 data, helping you identify the best actions to take.” See [https://crm.org/news/peopleai-
19 where-humans-and-machines-make-crm-better](https://crm.org/news/peopleai-where-humans-and-machines-make-crm-better). People.ai has also been recognized for
20 its “exceptional innovation within the information technology industry” based on the
21 ability of its platform to “help enterprises accelerate time to revenue by automating
22 manual processes and delivering critical intelligence across sales, marketing, customer
23 success, and other go-to-market teams to make them smarter and more efficient.” See
24 [https://contentenginellc.com/2019/09/26/peopleai-recognized-by-451-research-as-a-451-
25 firestarter/](https://contentenginellc.com/2019/09/26/peopleai-recognized-by-451-research-as-a-451-firestarter/). Such recognition supports the conclusion that People.ai’s patented
26 technology is not merely based on the generic collection and storing of data, but rather it
27 embodies specific innovations in the area of business intelligence that represent
28 technological improvements to conventional systems and methods.

1 24. That the above features, when viewed as a whole, were specific
2 improvements over the prior art and prior existing methods, systems, apparatuses and
3 articles of manufacture, and were not well known, routine, or conventional at the time of
4 the invention, is also demonstrated, for example, by copying of the invention by others in
5 the industry, including, in particular, SetSail.

6 25. That the above features, when viewed as a whole, were specific
7 improvements over the prior art and prior existing methods, systems, apparatuses and
8 articles of manufacture, and were not well known, routine, or conventional at the time of
9 the invention, is also demonstrated, for example, by People.ai's commercial success with
10 its products that embody certain claims of the '001 patent.

11 26. A person of ordinary skill in the art would also understand that the claims of
12 the '001 patent did not pre-empt any field and are not merely directed to methods or
13 systems for recognizing and storing data, but are specific improvements in technology
14 that improve computer functionality.

15 27. The '001 patent explains that "due to the large volume of heterogeneous
16 electronic communications transmitted between devices and the challenges of manually
17 entering data, inputting the information regarding each electronic communication into a
18 system of record can be challenging, time consuming, and error prone." Ex. A at 1:33-
19 37. The '001 patent further explains that when systems are self-populated, there is
20 potential for error or noncompliance with companies' data management policies. *Id.* at
21 1:44-52. The '001 patent further explains that training a filtering model provides an
22 improvement to such inputting of information and helps prevent errors. *Id.* at 1:63-2:23.

23 28. The claims of the '001 patent address the challenges faced by enterprises
24 with their systems of record by providing systems and methods for filtering a company's
25 electronic activities such as emails or calendar information using tags and information
26 obtained from such electronic activities. The claimed systems and methods can use a
27 tagging engine or electronic activity parser to determine terms, text, content, or other
28 information in the data or metadata of electronic activities to determine compliance with

1 a filtering policy. *Id.* at 79:40-67. Additionally, the claimed invention may use logic-
2 based filtering or heuristics to filter electronic activities that relate to content that contains
3 characteristics of commonly filtered data, for example, involving government
4 investigative agencies or protected health information. *See id.* at 81:64-82:36. The
5 claimed invention also allows for the use of multiple filtering policies, and the use of a
6 tagging engine, for example, eliminates the need for re-analysis of content and reduces
7 the likelihood of error and time of review that would be necessary if performed by a
8 human. The invention also eliminates the need to repeatedly analyze data when multiple
9 filters or policies are applied, thus improving the efficiency and accuracy of the system,
10 and reducing the processing power or other resources necessary to conduct an analysis or
11 make an association between a record object and an electronic activity.

12 29. Therefore, the claims of the '001 patent, when viewed as a whole, including
13 as an ordered combination, address difficult technical challenges in the field of business
14 analytics, and they embody specific improvements to the systems of record of an
15 enterprise, such as a customer relationship management system, or to systems that
16 maintain, update or analyze CRMs. The claims of the '001 patent also were not well
17 known, routine, or conventional at the time of the invention, and they represent specific
18 improvements over the prior art and prior existing systems and methods.

19 30. As would be appreciated by a person having ordinary skill in the art, the
20 separate claims of the '001 patent also pertain to parsing electronic activities using
21 specific policies and rules that rely upon specific contents of the electronic activity to
22 filter certain categories of information for further analysis or dissemination in the system.
23 Therefore, a person having ordinary skill in the art would recognize that the inventions
24 claimed in the '001 patent are not generically directed to collecting and filtering data.
25 Rather the claims of the '001 would be understood by a person having ordinary skill in
26 the art to recite concrete technological advancements pertaining to a specific system for
27 automatically restricting certain electronic activities from being matched with record
28 objects using structured data tags in compliance with certain company and role based

1 policies and for automatically matching other electronic activities that do not satisfy
2 multiple restriction conditions to corresponding record objects in a system of record.

3 31. In addition, prior to the '001 patent, systems of record such as customer
4 relationship management systems or systems that maintain, update or analyze CRMs did
5 not allow for the association between electronic activities and data tags, and they did not
6 allow for the real-time association and filtering of information associated with electronic
7 activities based on data and metadata stored within the customer relationship
8 management system. Therefore, a person having ordinary skill in the art would
9 understand that the '001 patent and its claims represent concrete and technological
10 improvements to business intelligence systems by allowing for the generating of dynamic
11 associations between record objects and certain electronic activities that do not satisfy
12 certain restriction conditions, and the filtering of targeted content, such as other electronic
13 activities that satisfy one or more restrictions conditions. These concrete improvements
14 include the determination of accurate predictions relating to record objects using data and
15 metadata of certain, authorized electronic activities matched to the record objects, and the
16 presentation of such predictions to business decision makers, making it possible for the
17 enterprise to obtain benefits of the data stored within its systems of record that could not
18 be obtained using conventional systems, while limiting the amount of data stored in the
19 systems of record, thereby improving memory resource utilization and reducing the risk
20 of damages resulting from a data breach of the systems of record.

21 32. A person having ordinary skill in the art would understand that the separate
22 claims in the '001 patent also did not pre-empt any field, but are highly specific and
23 technical improvements to a system of record such as a customer relationship
24 management system or to a system that maintains, updates or analyzes CRMs. A person
25 having ordinary skill in the art would also recognize that the claims of the '001 also do
26 not relate to implementation of a business method on a general purpose computer, but are
27 improvements to systems of record based on the matching of electronic activities to
28 record objects.

33. The claims of the '001 patent are also directed to specific improvements in computer functionality. Among other things, the claimed inventions improve functionality of systems of record such as customer relationship management systems by determining real time relationships between electronic activities and dynamically providing data and metadata information and other information from electronic activities. The claimed inventions provide a device which continuously and consistently provides insights regarding business operations and can make real-time updates to filtering decisions of electronic activities. The claimed inventions also provide a device that can intelligently determine relationships within sets of data, thus improving efficiency.

34. These noted improvements over the prior art represent meaningful limitations and/or inventive concepts based upon the state of the art at the time of invention of the '001 patent. Further, including in view of these specific improvements, the inventions claimed in the '001 patent, when viewed as a whole, are not routine, well-understood, conventional, generic, existing, commonly used, well-known, previously known, or typical, including because until the inventions of the claims of the '001 patent, such improvements to systems of record such as customer relationship management systems did not exist in the field.

35. The inventions claimed in the '001 patent are necessarily rooted in computer technology, and they comprise technological improvements over prior technologies in order to provide new functionality and overcome inefficiencies, including those noted above. The claimed solutions amount to an inventive concept for the particular problems and inefficiencies noted above.

36. People.ai has sustained damages as a result of SetSail's direct and/or indirect infringement of the '001 patent identified herein and SetSail is liable for such damages in this action, including pre-suit damages.

37. People.ai has no adequate remedy at law for SetSail's continued infringement of the '001 patent such that the Court must enjoin SetSail from further acts of infringement.

38. On information and belief, SetSail's direct and/or indirect infringement of the '001 patent is and has been willful and deliberate, justifying increased damages under 35 U.S.C. § 284. As stated above, SetSail knew of the '001 patent and its infringement before this suit was filed, SetSail has continued to infringe the '001 patent after such knowledge, and SetSail knew or should have known that its conduct infringed the '001 patent.

39. In addition, SetSail's conduct in infringing the '001 patent is exceptional and entitles People.ai to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 10,565,229

40. People.ai repeats and realleges the foregoing paragraphs.

41. Defendant SetSail has directly and/or indirectly infringed one or more claims of the '229 patent, in violation of one or more subsections of 35 U.S.C. §271 – including at least one or more of subsections §271(a), (b), (c), (f) and (g) – by making, using, importing, selling, and/or offering to sell products covered by one or more claims of the '229 patent within the United States, and/or by contributing to or inducing such infringement.

42. SetSail has known of the Patents-in-Suit and its infringement of the '229 patent at least as early as October 12, 2020 when it received correspondence from People.ai concerning its infringement. SetSail received further correspondence from People.ai concerning its infringement of the '229 patent on or about November 4, 2020, and November 18, 2020.

43. SetSail's direct infringements – and/or the direct infringements of others, for which SetSail would be liable as an indirect infringer – satisfy all the limitations of one or more claims of the '229 patent, either literally or by equivalents. A preliminary, exemplary claim chart comparing the SetSail Collect module to exemplary claim 19 of the '229 patent is attached as Exhibit F.

1 44. Defendant SetSail is liable as a direct infringer because it has made, used,
2 sold, offered to sell, or imported into the U.S., products or services that are within the
3 scope of one or more claims of the '229 patent and/or Defendant SetSail has made, used,
4 sold, offered to sell, or imported into the U.S. products made by methods claimed in the
5 '229 patent, including at least the SetSail Collect module.

6 45. Defendant SetSail is liable as an indirect infringer for the direct infringement
7 of others that have made, used, sold or offered to sell, or imported into the U.S., products
8 or services that are within the scope of one or more claims of the '229 patent and/or that
9 have made, used, sold, offered to sell, or imported into the U.S., products made by
10 methods claimed in the '229 patent.

11 46. On information and belief, defendant SetSail has actively induced
12 infringement of the '229 patent, at least by intentionally encouraging the direct
13 infringement of one or more claims of the '229 patent by customers and their employees,
14 partners, and/or others. On information and belief, prior to this action, SetSail had
15 knowledge of and intended to cause direct infringement by others and/or SetSail willfully
16 blinded itself to the existence of the '229 patent and such infringement. SetSail provides
17 instructions, user manuals, advertising, and/or marketing materials which facilitate,
18 direct, or encourage such infringing use with knowledge thereof.

19 47. On information and belief, defendant SetSail is also a contributory infringer
20 of one or more claims of the '229 patent, at least because it sells, offers to sell, or imports
21 into the U.S. a product for use in practicing subject matter claimed in the '229 patent,
22 constituting a material part of the invention, knowing the same to be especially made or
23 especially adapted for use in such infringement, and not a staple article or commodity of
24 commerce suitable for substantial non-infringing use.

25 48. The SetSail Collect module includes the specific functionality of SetSail's
26 product offerings that is used to perform the limitations of each asserted claim of the '229
27 patent. The SetSail Collect module performs the limitations of each asserted claim
28 through its default functionality as provided by SetSail and the SetSail Collect module

1 has no substantial non-infringing use. On information and belief, prior to this action
2 SetSail had knowledge of the '229 patent and intended to cause direct infringement by
3 others, and/or SetSail willfully blinded itself to the existence of the '229 patent and such
4 infringement.

5 49. For example, SetSail's customers that use the SetSail Collect module
6 identified above infringe at least independent claim 19 of the '229 patent, as set forth in
7 Exhibit F.

8 50. The non-provisional patent application that led to the '229 patent was filed
9 with the U.S. Patent and Trademark Office on December 7, 2018, and the patent issued
10 on February 18, 2020. The U.S. Patent Office carefully examined the claims that
11 ultimately issued in the '229 patent. Consistent with 35 U.S.C. § 282 and the limitations
12 of the claims of the '229 patent, a person having ordinary skill in the art would
13 understand that each claim of the '229 patent (independent or dependent) relates to a
14 separate invention distinct from other claims.

15 51. The U.S. Patent Office considered the claims of the '229 patent against the
16 background of prior technology to determine if the claims of the '229 patent identified a
17 patentable advance over prior art systems before issuing the patent. The face of the '229
18 patent identifies numerous items of prior art from the classifications and many other
19 items of prior art considered in allowing the various claims of the '229 patent.

20 52. The claims of the '229 patent, when viewed as a whole, represent specific
21 improvements over the prior art and prior existing methods, systems, apparatuses and
22 articles of manufacture, and were not well known, routine, or conventional at the time of
23 the invention.

24 53. The inventions claimed in the '229 patent are thus not generically directed to
25 collecting, analyzing and manipulating data, but rather the claims would be understood
26 by a person of ordinary skill in the art to recite concrete advancements in the technology
27 pertaining to a specific method, apparatus and system. The invention thus also cannot be
28 performed by the human mind.

1 54. That the above features, when viewed as a whole, were specific
2 improvements over the prior art and prior existing methods, systems, apparatuses and
3 articles of manufacture, and were not well known, routine, or conventional at the time of
4 the invention, is demonstrated, for example, by praise People.ai received for its invention,
5 as noted above.

6 55. That the above features, when viewed as a whole, were specific
7 improvements over the prior art and prior existing methods, systems, apparatuses and
8 articles of manufacture, and were not well known, routine, or conventional at the time of
9 the invention, is also demonstrated, for example, by copying of the invention by others in
10 the industry, including, in particular, SetSail.

11 56. That the above features, when viewed as a whole, were specific
12 improvements over the prior art and prior existing methods, systems, apparatuses and
13 articles of manufacture, and were not well known, routine, or conventional at the time of
14 the invention, is also demonstrated, for example, by People.ai's commercial success with
15 its products that embody certain claims of the '229 patent.

16 57. A person of ordinary skill in the art would understand that the claims of the
17 '229 patent did not pre-empt any field and are not merely directed to methods or systems
18 for recognizing and storing data, but are specific improvements in technology that
19 improve computer functionality.

20 58. The '229 patent explains that "Enterprises and other companies spend
21 significant amount of resources to maintain and update one or more systems of records,"
22 for example customer relationship management (CRM) systems, enterprise resource
23 planning (ERP) systems, document management systems, applicant tracking systems, and
24 other systems. Ex. B at 49:37-39. The '229 patent further explains that such systems are
25 typically updated manually and in a manner that does not reflect all of the data available
26 to the enterprise, or "the information that is updated into the systems of records can be
27 incorrect due to human error, or in some cases, malicious intent." *Id.* at 49:44-46. The
28 '229 patent further explains that such information may otherwise be outdated, incorrect

1 or incomplete. *Id.* at 49:48-51.

2 59. The claims of the '229 patent address specific challenges faced by
3 enterprises with their systems of record by providing systems and methods for
4 automatically and dynamically matching electronic activities such as emails or calendar
5 events directly to record objects of an enterprise's systems of records. The '229 patent
6 explains that "as electronic activities are exchanged between users, these electronic
7 activities can be parsed to not only update a node graph [], but further update shadow
8 record objects for one or more systems of records of enterprises that have provided access
9 to such systems of record" to a data processing system. *Id.* at 49:62-66. The '229 patent
10 also provides that "the electronic activities can be used to directly update the one or more
11 systems of records of the enterprises without first updating a shadow record object." *Id.*
12 at 50:5-7. Finally, the '229 patent provides that "the linked electronic activities can be
13 stored in association with one or more record objects to which the electronic activity is
14 linked in a system of record" because "linking the electronic activities to the record
15 objects can provide context to the electronic activities." *Id.* at 50:28-36. Such context
16 may be "direct" context, including for example what happened in the electronic activity
17 or record object, who was involved in the electronic activity or record object, or
18 identifying the contact, node, person, or business process to which the electronic activity
19 or record object should be assigned. *Id.* at 50:30-36. Such context also may be
20 "indirect," such as why the electronic activity occurred. *Id.* at 50:36-44.

21 60. The various claims of the '229 patent are directed to specific policy-based
22 approaches to storing such associations between a record object and an electronic activity
23 that include, for example, determining a data source provider associated with an
24 electronic activity, identifying a system of record corresponding to the data source
25 provider, and identifying the sender and recipients of an electronic activity. The claims
26 further recite determining that an electronic activity is to be matched to a first set of
27 record objects based on filtering rules of a first policy, then identifying a first set of
28 candidate record objects to which to match the electronic activity based on a second

1 policy including rules for identifying one or more record objects based on an object field
2 value that includes identifying one or more recipients, and finally identifying a second set
3 of candidate record objects to which to match the electronic activity based on the second
4 policy including rules for identifying one or more record objects that include identifying
5 the sender of the electronic activity. By applying multiple filtering policies and sets of
6 rules, the systems and methods claimed in the '229 patent are able to instantly and
7 intelligently associate candidate record objects with electronic activities.

8 61. Therefore, the claims of the '229 patent, when viewed as a whole, including
9 as an ordered combination, address difficult technical challenges in the field of business
10 analytics, and they embody specific improvements to the systems of record of an
11 enterprise, such as a customer relationship management system or to systems that
12 maintain, update or analyze CRMs. The claims of the '229 patent were also not well
13 known, routine, or conventional at the time of the invention, and they represent specific
14 improvements over the prior art and prior existing systems and methods.

15 62. As would be appreciated by a person having ordinary skill in the art, the
16 separate claims of the '229 patent also pertain to storing an association between a
17 candidate record object and an electronic activity based on multiple specific policies and
18 rules that rely upon specific contents of the electronic activity and the candidate record
19 object. Therefore, a person having ordinary skill in the art would recognize that the
20 inventions claimed in the '229 patent are not generically directed to collecting data and
21 making a calculation. Rather the claims of the '229 would be understood by a person
22 having ordinary skill in the art to recite concrete technological advancements pertaining
23 to a system for storing an association between a candidate record object and an electronic
24 activity in a specific manner that includes applying multiple sets of rules and filtering
25 policies, such that the data from the record object and the electronic activity matched to
26 the record object are both accessible to the system.

27 63. In addition, prior to the '229 patent, systems of record such as customer
28 relationship management systems did not allow for such context-aware association

1 between record objects and electronic activities, and they did not allow for the intelligent
2 and instantaneous matching of record objects and electronic activities in the manner that
3 is claimed. Therefore, a person having ordinary skill in the art would understand that the
4 '229 patent and its claims represent concrete and technological improvements to business
5 intelligence systems by allowing for the generating of dynamic associations between
6 record objects and electronic activities. These concrete improvements include the
7 generation of associations based on multiple specific rules and policies, and the
8 generation of associations based on direct and indirect context, making it possible for the
9 enterprise to make valuable connections between electronic activities and record objects
10 that could not be made in the prior art.

11 64. A person having ordinary skill in the art would understand that the separate
12 claims in the '229 patent also did not pre-empt any field, but are highly specific and
13 technical improvements to a system of record such as a customer relationship
14 management system. A person having ordinary skill in the art would also recognize that
15 the claims of the '229 do not relate to implementation of a business method on a general
16 purpose computer, but are improvements to systems of record based on specific
17 approaches for matching of electronic activities to record objects utilizing the recited
18 rules and filtering policies.

19 65. The claims of the '229 patent are also directed to specific improvements in
20 computer functionality. Among other things, the claimed inventions improve
21 functionality of systems of record such as customer relationship management systems or
22 to systems that maintain, update or analyze CRMs by determining real time relationships
23 between electronic activities and record objects and dynamically providing connections
24 between electronic activities and record objects based on direct and indirect context.
25 Thus, the claimed inventions provide a system that can intelligently infer relationships
26 within sets of data, thus improving efficiency. The claimed inventions also improve
27 computer efficiency and reduce resource consumption, for example by allowing multiple
28 updates to a CRM dynamically without the need to run multiple individual searches

1 across databases.

2 66. These noted improvements over the prior art represent meaningful
3 limitations and/or inventive concepts based upon the state of the art at the time of
4 invention of the '229 patent. Further, including in view of these specific improvements,
5 the inventions claimed in the '229 patent, when viewed as a whole, are not routine, well-
6 understood, conventional, generic, existing, commonly used, well-known, previously
7 known, or typical, including because until the inventions of the claims of the '229 patent,
8 such improvements to systems of record such as customer relationship management
9 systems did not exist in the field.

10 67. The inventions claimed in the '229 patent are necessarily rooted in computer
11 technology, and they comprise technological improvements over prior technologies in
12 order to provide new functionality and overcome inefficiencies, including those noted
13 above. The claimed solutions amount to an inventive concept for the particular problems
14 and inefficiencies noted above.

15 68. People.ai has sustained damages as a result of SetSail's direct and/or indirect
16 infringement of the '229 patent identified herein and SetSail is liable for such damages in
17 this action, including pre-suit damages.

18 69. People.ai has no adequate remedy at law for SetSail's continued
19 infringement of the '229 patent such that the Court must enjoin SetSail from further acts
20 of infringement.

21 70. On information and belief, SetSail's direct and/or indirect infringement of
22 the '229 patent is and has been willful and deliberate, justifying increased damages under
23 35 U.S.C. § 284. As stated above, SetSail knew of the '229 patent and its infringement
24 before this suit was filed, SetSail has continued to infringe the '229 patent after such
25 knowledge, and SetSail knew or should have known that its conduct infringed the '229
26 patent.

27 71. In addition, SetSail's conduct in infringing the '229 patent is exceptional and
28 entitles People.ai to an award of attorneys' fees and costs incurred in prosecuting this

1 action under 35 U.S.C. § 285.

2 **COUNT III**

3 **INFRINGEMENT OF U.S. PATENT NO. 10,496,634**

4 72. People.ai repeats and realleges the foregoing paragraphs.

5 73. Defendant SetSail has directly and/or indirectly infringed one or more
6 claims of the '634 patent, in violation of one or more subsections of 35 U.S.C. §271 –
7 including at least one or more of subsections §271(a), (b), (c), (f) and (g) – by making,
8 using, importing, selling, and/or offering to sell products covered by one or more claims
9 of the '634 patent within the United States, and/or by contributing to or inducing such
10 infringement.

11 74. SetSail has known of the Patents-in-Suit and its infringement of the '634
12 patent at least as early as October 12, 2020 when it received correspondence from
13 People.ai concerning its infringement. SetSail received further correspondence from
14 People.ai concerning its infringement of the '634 patent on or about November 4, 2020,
15 and November 18, 2020.

16 75. SetSail's direct infringements – and/or the direct infringements of others, for
17 which SetSail would be liable as an indirect infringer – satisfy all the limitations of one or
18 more claims of the '634 patent, either literally or by equivalents. A preliminary,
19 exemplary claim chart comparing the SetSail Collect and SetSail Discover modules to
20 exemplary claim 10 of the '634 patent is attached as Exhibit G.

21 76. Defendant SetSail is liable as a direct infringer because it has made, used,
22 sold, offered to sell, or imported into the U.S., products or services that are within the
23 scope of one or more claims of the '634 patent and/or Defendant SetSail has made, used,
24 sold, offered to sell, or imported into the U.S. products, made by methods claimed in the
25 '634 patent, including at least the SetSail Collect and/or SetSail Discover modules.

26 77. Defendant SetSail is liable as an indirect infringer for the direct infringement
27 of others that have made, used, sold or offered to sell, or imported into the U.S., products
28 or services that are within the scope of one or more claims of the '634 patent and/or that

1 have made, used, sold, offered to sell, or imported into the U.S., products made by
2 methods claimed in the '634 patent.

3 78. On information and belief, defendant SetSail has actively induced
4 infringement of the '634 patent, at least by intentionally encouraging the direct
5 infringement of one or more claims of the '634 patent by customers and their employees,
6 partners, and/or others. On information and belief, prior to this action, SetSail had
7 knowledge of and intended to cause direct infringement by others and/or SetSail willfully
8 blinded itself to the existence of the '634 patent and such infringement. SetSail provides
9 instructions, user manuals, advertising, and/or marketing materials which facilitate,
10 direct, or encourage such infringing use with knowledge thereof.

11 79. On information and belief, defendant SetSail is also a contributory infringer
12 of one or more claims of the '634 patent, at least because it sells, offers to sell, or imports
13 into the U.S. a product for use in practicing subject matter claimed in the '634 patent,
14 constituting a material part of the invention, knowing the same to be especially made or
15 especially adapted for use in such infringement, and not a staple article or commodity of
16 commerce suitable for substantial non-infringing use. The SetSail Collect and/or SetSail
17 Discover modules include the specific functionality of SetSail's product offerings that is
18 used to perform the limitations of each asserted claim of the '634 patent. The SetSail
19 Collect and/or SetSail Discover modules perform the limitations of each asserted claim
20 through their default functionality as provided by SetSail and the SetSail Collect and/or
21 SetSail Discover modules have no substantial non-infringing use. On information and
22 belief, prior to this action SetSail had knowledge of the '634 patent and intended to cause
23 direct infringement by others, and/or SetSail willfully blinded itself to the existence of the
24 '634 patent and such infringement.

25 80. For example, SetSail's customers that use the SetSail Collect and SetSail
26 Discover modules identified above infringe at least independent claim 10 of the '634
27 patent, as set forth in the Exhibit G.

28 81. The non-provisional patent application that led to the '634 patent was filed

1 with the U.S. Patent and Trademark Office on April 29, 2019, and the patent issued on
2 December 3, 2019. The U.S. Patent Office carefully examined the claims that ultimately
3 issued as the '634 patent. Consistent with 35 U.S.C. § 282 and the limitations of the
4 claims of the '634 patent, a person having ordinary skill in the art would understand that
5 each claim of the '634 patent (independent or dependent) relates to a separate invention
6 distinct from other claims.

7 82. The U.S. Patent Office considered the claims of the '634 patent against the
8 background of prior technology to determine if the claims of the '634 patent identified a
9 patentable advance over prior art systems before issuing the patent. The face of the '634
10 patent identifies numerous items of prior art from the classifications and many other
11 items of prior art considered in allowing the various claims of the '634 patent.

12 83. The claims of the '634 patent, when viewed as a whole, represent specific
13 improvements over the prior art and prior existing methods, systems, apparatuses and
14 articles of manufacture, and were not well known, routine, or conventional at the time of
15 the invention.

16 84. The inventions claimed in the '634 patent are thus not generically directed to
17 collecting, analyzing and manipulating data, but rather the claims would be understood
18 by a person of ordinary skill in the art to recite concrete advancements in the technology
19 pertaining to a specific method, apparatus and system. The invention thus also cannot be
20 performed by the human mind.

21 85. That the above features, when viewed as a whole, were specific
22 improvements over the prior art and prior existing methods, systems, apparatuses and
23 articles of manufacture, and were not well known, routine, or conventional at the time of
24 the invention, is demonstrated, for example, by praise People.ai received for its invention,
25 as noted above.

26 86. That the above features, when viewed as a whole, were specific
27 improvements over the prior art and prior existing methods, systems, apparatuses and
28 articles of manufacture, and were not well known, routine, or conventional at the time of

1 the invention, is also demonstrated, for example, by copying of the invention by others in
2 the industry, including, in particular, SetSail.

3 87. That the above features, when viewed as a whole, were specific
4 improvements over the prior art and prior existing methods, systems, apparatuses and
5 articles of manufacture, and were not well known, routine, or conventional at the time of
6 the invention, is also demonstrated, for example, by People.ai's commercial success with
7 its products that embody certain claims of the '634 patent.

8 88. A person of ordinary skill in the art would understand that the claims of the
9 '634 patent did not pre-empt any field and are not merely directed to methods or systems
10 for recognizing and storing data, but are specific improvements in technology that
11 improve computer functionality.

12 89. The '634 patent explains that "Enterprises and other companies spend
13 significant amount of resources to maintain and update one or more systems of records,"
14 such as CRM systems, enterprise resource planning (ERP) systems, document
15 management systems, applicant tracking systems, and other systems. Ex. C at 177:19-24.
16 The '634 patent further explains that such systems are typically updated manually and in
17 a manner that does not reflect all of the data available to the enterprise, resulting in
18 incorrect and outdated information. *Id.* at 177:26-31. The '634 patent further explains
19 that enterprises may use systems of record to make projections or predictions with respect
20 to business processes and such projections or predictions may likewise be inaccurate if
21 the data on which they rely is out of data or incorrect. *Id.* at 177:31-35.

22 90. The claims of the '634 patent address the challenges faced by enterprises
23 with their systems of record by providing systems and methods for linking a company's
24 electronic activities such as emails or calendar information to a company's systems of
25 record and using information obtained from such electronic activities to determine a
26 "completion score" for a business opportunity. Such completion scores are determined
27 dynamically based on timestamped information from the company's records and other
28 information such as the role, the title or the department of an individual who is identified

1 in an electronic activity. *Id.* at 184:26-61. For example, the completion score may be
2 determined using an enrichment module, using time distributions of certain electronic
3 activities, or based on one or more heuristics or machine learning policies. *Id.*

4 91. Therefore, the claims of the '634 patent, when viewed as a whole, including
5 as an ordered combination, address difficult technical challenges in the field of business
6 analytics, and they embody specific improvements to the systems of record of an
7 enterprise, such as a customer relationship management system or to systems that
8 maintain, update or analyze CRMs. The claims of the '634 patent were also not well
9 known, routine, or conventional at the time of the invention, and they represent specific
10 improvements over the prior art and prior existing systems and methods.

11 92. As would be appreciated by a person having ordinary skill in the art, the
12 separate claims of the '634 patent also pertain to calculating a completion score based on
13 constantly changing variables that may be aggregated and compared for the purposes of,
14 for example, predicting the likelihood of the completion or occurrence of a certain
15 revenue generating event for a business. Therefore, a person having ordinary skill in the
16 art would recognize that the inventions claimed in the '634 patent are not generically
17 directed to collecting data and making a calculation. Rather the claims of the '634 would
18 be understood by a person having ordinary skill in the art to recite concrete technological
19 advancements pertaining to a specific system for computing a completion score and
20 storing an association between a record object and a completion score using electronic
21 activities that have been matched to record objects in a specific manner, including using
22 timestamp data and information derived from the electronic activity.

23 93. In addition, prior to the '634 patent, systems of record such as customer
24 relationship management systems or systems that maintain, update or analyze CRMs did
25 not allow for the association between record objects and completion scores, and they did
26 not allow for the prediction of revenue generating events based on real-time data stored
27 within the customer relationship management system. Therefore, a person having
28 ordinary skill in the art would understand that the '634 patent and its claims represent

1 concrete and technological improvements to business intelligence systems by allowing
2 for the generating of dynamic associations between record objects and completion scores.
3 These concrete improvements include the determination of accurate predictions of
4 revenue generating events, and the presentation of such predictions to business decision
5 makers, making it possible for the enterprise to obtain the benefit of the data within its
6 systems of record without having to access servers on which the electronic activities
7 matched to the record objects are stored.

8 94. A person having ordinary skill in the art would understand that the separate
9 claims in the '634 patent also did not pre-empt any field, but are highly specific and
10 technical improvements to a system of record such as a CRM, or to systems that
11 maintain, update or analyze CRMs. A person having ordinary skill in the art would also
12 recognize that the claims of the '634 also do not relate to implementation of a business
13 method on a general purpose computer, but are improvements to systems of record or to
14 systems that maintain, update or analyze CRMs based on the matching of electronic
15 activities to record objects.

16 95. The claims of the '634 patent are also directed to specific improvements in
17 computer functionality. Among other things, the claimed inventions improve
18 functionality of systems of record such as customer relationship management systems or
19 to systems that maintain, update or analyze CRMs by determining real time relationships
20 between electronic activities and record objects and dynamically providing feedback
21 utilizing time-stamps and other information from electronic activities. The claimed
22 inventions provide a device which continuously and consistently provides insights
23 regarding business operations and can make real-time recommendations and predictions
24 as to how business performance targets can be achieved. The claimed inventions also
25 provide a device that can intelligently infer relationships within sets of data, thus
26 improving efficiency.

27 96. These noted improvements over the prior art represent meaningful
28 limitations and/or inventive concepts based upon the state of the art at the time of

1 invention of the '634 patent. Further, at least in view of these specific improvements, the
2 inventions claimed in the '634 patent, when viewed as a whole, are not routine, well-
3 understood, conventional, generic, existing, commonly used, well-known, previously
4 known, or typical, including because until the inventions of the claims of the '634 patent,
5 such improvements to systems of record such as customer relationship management
6 systems did not exist in the field.

7 97. The inventions claimed in the '634 patent are necessarily rooted in computer
8 technology, and they comprise technological improvements over prior technologies in
9 order to provide new functionality and overcome inefficiencies, including those noted
10 above. The claimed solutions amount to an inventive concept for the particular problems
11 and inefficiencies noted above.

12 98. People.ai has sustained damages as a result of SetSail's direct and/or indirect
13 infringement of the '634 patent identified herein and SetSail is liable for such damages in
14 this action, including pre-suit damages.

15 99. People.ai has no adequate remedy at law for SetSail's continued
16 infringement of the '634 patent such that the Court must enjoin SetSail from further acts
17 of infringement.

18 100. On information and belief, SetSail's direct and/or indirect infringement of
19 the '634 patent is and has been willful and deliberate, justifying increased damages under
20 35 U.S.C. § 284. As stated above, SetSail knew of the '634 patent and its infringement
21 before this suit was filed, SetSail has continued to infringe the '634 patent after such
22 knowledge, and SetSail knew or should have known that its conduct infringed the '634
23 patent.

24 101. In addition, SetSail's conduct in infringing the '634 patent is exceptional and
25 entitles People.ai to an award of attorneys' fees and costs incurred in prosecuting this
26 action under 35 U.S.C. § 285.

27 ///

28 ///

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 10,657,129

102. People.ai repeats and realleges the foregoing paragraphs.

103. Defendant SetSail has directly and/or indirectly infringed one or more claims of the '129 patent, in violation of one or more subsections of 35 U.S.C. §271 – including at least one or more of subsections §271(a), (b), (c), (f) and (g) – by making, using, importing, selling, and/or offering to sell products covered by one or more claims of the '129 patent within the United States, and/or by contributing to or inducing such infringement.

104. SetSail has known of the Patents-in-Suit and its infringement of the '129 patent at least as early as October 12, 2020 when it received correspondence from People.ai concerning its infringement. SetSail received further correspondence from People.ai concerning its infringement of the '129 patent on or about November 4, 2020, and November 18, 2020.

105. SetSail's direct infringements – and/or the direct infringements of others, for which SetSail would be liable as an indirect infringer – satisfy all the limitations of one or more claims of the '129 patent, either literally or by equivalents. A preliminary, exemplary claim chart comparing the SetSail Collect module to exemplary claim 20 of the '129 patent is attached as Exhibit H.

106. Defendant SetSail is liable as a direct infringer because it has made, used, sold, offered to sell, or imported into the U.S., products or services that are within the scope of one or more claims of the '129 patent and/or Defendant SetSail has made, used, sold, offered to sell, or imported into the U.S. products, made by methods claimed in the '129 patent, including at least the SetSail Collect module.

107. Defendant SetSail is liable as an indirect infringer for the direct infringement of others that have made, used, sold or offered to sell, or imported into the U.S., products or services that are within the scope of one or more claims of the '129 patent and/or that have made, used, sold, offered to sell, or imported into the U.S., products made by

1 methods claimed in the '129 patent.

2 108. On information and belief, defendant SetSail has actively induced
3 infringement of the '129 patent, at least by intentionally encouraging the direct
4 infringement of one or more claims of the '129 patent by customers and their employees,
5 partners, and/or others. On information and belief, prior to this action, SetSail had
6 knowledge of and intended to cause direct infringement by others and/or SetSail willfully
7 blinded itself to the existence of the '129 patent and such infringement. SetSail provides
8 instructions, user manuals, advertising, and/or marketing materials which facilitate,
9 direct, or encourage such infringing use with knowledge thereof.

10 109. On information and belief, defendant SetSail is also a contributory infringer
11 of one or more claims of the '129 patent, at least because it sells, offers to sell, or imports
12 into the U.S. a product for use in practicing subject matter claimed in the '129 patent,
13 constituting a material part of the invention, knowing the same to be especially made or
14 especially adapted for use in such infringement, and not a staple article or commodity of
15 commerce suitable for substantial non-infringing use.

16 110. The SetSail Collect module includes the specific functionality of SetSail's
17 product offerings that is used to perform the limitations of each asserted claim of the '129
18 patent. The SetSail Collect module performs the limitations of each asserted claim
19 through its default functionality as provided by SetSail and the SetSail Collect module
20 has no substantial non-infringing use. On information and belief, prior to this action
21 SetSail had knowledge of the '129 patent and intended to cause direct infringement by
22 others, and/or SetSail willfully blinded itself to the existence of the '129 patent and such
23 infringement.

24 111. For example, SetSail's customers that use the SetSail Collect module
25 identified above infringe at least independent claim 20 of the '129 patent, as set forth in
26 Exhibit H.

27 112. The non-provisional patent application that led to the '129 patent was filed
28 with the U.S. Patent and Trademark Office on December 31, 2018, and the patent issued

1 on May 19, 2020. The U.S. Patent Office carefully examined the claims that ultimately
2 issued in the '129 patent. Consistent with 35 U.S.C. § 282 and the limitations of the
3 claims of the '129 patent, a person having ordinary skill in the art would understand that
4 each claim of the '129 patent (independent or dependent) relates to a separate invention
5 distinct from other claims.

6 113. The U.S. Patent Office considered the claims of the '129 patent against the
7 background of prior technology to determine if the claims of the '129 patent identified a
8 patentable advance over prior art systems before issuing the patent. The face of the '129
9 patent identifies numerous items of prior art from the classifications and many other
10 items of prior art considered in allowing the various claims of the '129 patent.

11 114. The claims of the '129 patent, when viewed as a whole, represent specific
12 improvements over the prior art and prior existing methods, systems, apparatuses and
13 articles of manufacture, and were not well known, routine, or conventional at the time of
14 the invention.

15 115. The inventions claimed in the '129 patent are thus not generically directed to
16 collecting, analyzing and manipulating data, but rather the claims would be understood
17 by a person of ordinary skill in the art to recite concrete advancements in the technology
18 pertaining to a specific method, apparatus and system. The invention thus also cannot be
19 performed by the human mind.

20 116. That the above features, when viewed as a whole, were specific
21 improvements over the prior art and prior existing methods, systems, apparatuses and
22 articles of manufacture, and were not well known, routine, or conventional at the time of
23 the invention, is demonstrated, for example, by praise People.ai received for its invention
24 as noted above.

25 117. That the above features, when viewed as a whole, were specific
26 improvements over the prior art and prior existing methods, systems, apparatuses and
27 articles of manufacture, and were not well known, routine, or conventional at the time of
28 the invention, is also demonstrated, for example, by copying of the invention by others in

1 the industry, including, in particular, SetSail.

2 118. That the above features, when viewed as a whole, were specific
3 improvements over the prior art and prior existing methods, systems, apparatuses and
4 articles of manufacture, and were not well known, routine, or conventional at the time of
5 the invention, is also demonstrated, for example, by People.ai's commercial success with
6 its products that embody certain claims of the '129 patent.

7 119. A person of ordinary skill in the art would understand that the claims of the
8 '129 patent did not pre-empt any field and are not merely directed to methods or systems
9 for recognizing and storing data, but are specific improvements in technology that
10 improve computer functionality.

11 120. The '129 patent explains that "it may be challenging to accurately and
12 efficiently populate fields in a node profile due to large number of member nodes." Ex. D
13 at 2:4-6. The '129 patent further explains that when systems are self-populated, there is
14 potential for error or undesired data values due to inherent human bias. *Id.* at 2:6-9. The
15 '129 patent further explains that such errors can cascade, causing "downstream
16 components or functions that perform processing using the node profiles to malfunction
17 or generate faulty outputs." *Id.* at 2:9-12.

18 121. The claims of the '129 patent address the challenges faced by enterprises
19 with their systems of record by providing systems and methods for linking a company's
20 electronic activities such as emails or calendar information to "node profiles" using
21 information obtained from such electronic activities. Such node profiles are determined
22 dynamically by a "node graph generation system" based on information from the
23 company's records and other information such as the role, the title or the department of
24 an individual who is identified in an electronic activity. *Id.* at 25:44-26:23. For example,
25 the node graph generation system may be updated daily, weekly, or monthly. *Id.*

26 122. Therefore, the claims of the '129 patent, when viewed as a whole, including
27 as an ordered combination, address difficult technical challenges in the field of business
28 analytics, and they embody specific improvements to the systems of record of an

1 enterprise, such as a customer relationship management system or to systems that
2 maintain, update or analyze CRMs. The claims of the '129 patent were also not well
3 known, routine, or conventional at the time of the invention, and they represent specific
4 improvements over the prior art and prior existing systems and methods.

5 123. As would be appreciated by a person having ordinary skill in the art, the
6 separate claims of the '129 patent also pertain to parsing node profiles based on
7 numerous constantly changing variables. Therefore, a person having ordinary skill in the
8 art would recognize that the inventions claimed in the '129 patent are not generically
9 directed to collecting and categorizing data. Rather the claims of the '129 would be
10 understood by a person having ordinary skill in the art to recite concrete technological
11 advancements pertaining to a specific system for storing an association between an
12 electronic activity and node profiles, and using node profiles to match electronic
13 activities to record objects in a specific manner, including using information derived from
14 the electronic activity.

15 124. In addition, prior to the '129 patent, systems of record such as customer
16 relationship management systems or systems that maintain, update or analyze CRMs did
17 not allow for the association between record objects and node profiles, and they did not
18 allow for the real-time prediction of information associated with electronic activities
19 based on data stored within the customer relationship management system. Therefore, a
20 person having ordinary skill in the art would understand that the '129 patent and its
21 claims represent concrete and technological improvements to business intelligence
22 systems by allowing for the generation of dynamic associations between electronic
23 activities and record objects using node profiles. These concrete improvements include
24 the determination of accurate predictions, and the presentation of such predictions to
25 business decision makers, making it possible for the enterprise to obtain benefits from the
26 data within its systems of record that were not possible using conventional systems.

27 125. A person having ordinary skill in the art would understand that the separate
28 claims in the '129 patent also did not pre-empt any field, but are highly specific and

1 technical improvements to a system of record such as a customer relationship
2 management system or to systems that maintain, update or analyze CRMs. A person
3 having ordinary skill in the art would also recognize that the claims of the '129 also do
4 not relate to implementation of a business method on a general purpose computer, but are
5 improvements to systems of record based on the matching of electronic activities to
6 record objects.

7 126. The claims of the '129 patent are also directed to specific improvements in
8 computer functionality. Among other things, the claimed inventions improve
9 functionality of systems of record such as customer relationship management systems or
10 to systems that maintain, update or analyze CRMs by determining real time relationships
11 between electronic activities and record objects and dynamically providing node profile
12 information and other information from electronic activities. The claimed inventions
13 provide a device which continuously and consistently provides insights regarding
14 business operations and can make real-time updates to record objects and assist how
15 business performance targets can be achieved. The claimed inventions also provide a
16 device that can intelligently infer relationships within sets of data, thus improving
17 efficiency.

18 127. These noted improvements over the prior art represent meaningful
19 limitations and/or inventive concepts based upon the state of the art at the time of
20 invention of the '129 patent. Further, including in view of these specific improvements,
21 the inventions claimed in the '129 patent, when viewed as a whole, are not routine, well-
22 understood, conventional, generic, existing, commonly used, well-known, previously
23 known, or typical, including because until the inventions of the claims of the '129 patent,
24 such improvements to systems of record such as customer relationship management
25 systems did not exist in the field.

26 128. The inventions claimed in the '129 patent are necessarily rooted in computer
27 technology, and they comprise technological improvements over prior technologies in
28 order to provide new functionality and overcome inefficiencies, including those noted

1 above. The claimed solutions amount to an inventive concept for the particular problems
2 and inefficiencies noted above.

3 129. People.ai has sustained damages as a result of SetSail's direct and/or indirect
4 infringement of the '129 patent identified herein and SetSail is liable for such damages in
5 this action, including pre-suit damages.

6 130. People.ai has no adequate remedy at law for SetSail's continued
7 infringement of the '129 patent such that the Court must enjoin SetSail from further acts
8 of infringement.

9 131. On information and belief, SetSail's direct and/or indirect infringement of
10 the '129 patent is and has been willful and deliberate, justifying increased damages under
11 35 U.S.C. § 284. As stated above, SetSail knew of the '129 patent and its infringement
12 before this suit was filed, SetSail has continued to infringe the '129 patent after such
13 knowledge, and SetSail knew or should have known that its conduct infringed the '129
14 patent.

15 132. In addition, SetSail's conduct in infringing the '129 patent is exceptional and
16 entitles People.ai to an award of attorneys' fees and costs incurred in prosecuting this
17 action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, People.ai requests that this Court enter judgment as follows ordering:

(a) That Defendant infringes the Patents-in-Suit by making, using, offering for sale, selling and/or offering to sell products covered by the claims of the Patents-in-Suit within the United States, and/or by contributing to and/or inducing such infringement;

(b) That Defendant's infringement of the Patents-in-Suit is and has been willful;

(c) That Defendant and its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, be preliminarily and permanently enjoined from further infringement of Plaintiff's patent rights;

(d) That Defendant be ordered to account for and pay to Plaintiff damages adequate to compensate for their infringement of the Patents-in-Suit, including lost profits and/or reasonable royalty, with prejudgment interest;

(e) That a post-judgment equitable accounting of damages be ordered for the period of infringement of the Patents-in-Suit following the period of damages established by Plaintiff at trial;

(f) That damages be trebled for the willful, deliberate, and intentional infringement by Defendant as alleged herein in accordance with 35 U.S.C. § 284;

(g) That this case be adjudged an exceptional case under 35 U.S.C. § 285 and that Plaintiff be awarded its costs, expenses, and disbursements incurred in this action, including reasonable attorneys' fees as available by law to be paid by Defendant; and

(h) That Plaintiff will be awarded such other relief as the Court deems just and proper.

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JURY DEMAND

People.ai demands a trial by jury on all issues so triable.

DATED: December 17, 2020

FOLEY & LARDNER LLP

/s/ Alan R. Ouellette

Alan R. Ouellette

Jeffrey N. Costakos (*Pro Hac Vice* motion forthcoming)

Matthew W. Peters (*Pro Hac Vice* motion forthcoming)

Lucas I. Silva (*Pro Hac Vice* motion forthcoming)

Attorneys for Plaintiff

PEOPLE.AI, INC.